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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,593	10/09/2001	Hidetoshi Kabasawa	JCLA8091	7083

7590 06/03/2003
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EXAMINER

MILLER, BRIAN E

ART UNIT PAPER NUMBER

2652

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,593

Applicant(s)

KABASAWA, HIDETOSHI

Examiner

Brian E. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Claims 1-5 are pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

3. Claims 1-5 are objected to because of the following informalities: (a) claim 1, line 9 the phrases "with elastic property" and "being contact" are grammatically awkward; (b) claim 2, line 1 & 2, the phrases "gradually close" and "then contact", respectively, are grammatically confusing; (c) Claim 3 (and similarly for claim 4) the phrase "being contact" is grammatically awkward; (d) claim 5, last line, the phrase "loaded onto turntable" is awkward.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (a) Claim 1, line 12, the phrase "by an actuating force" is vague. It is not readily apparent what is being actuated; (b) claim 5, lines 9 & 15, the phrase "relatively close" is vague; (c) claim 5, reference to "a driving mechanism" and "a holding member driving device" is confusing. There does not appear to sufficient structural cooperation between these mechanisms to properly define applicant's invention, i.e., how are they interconnected?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawamura et al (US 5,737,293). In so far as the claims are definite and understood, Kawamura et al discloses a disc loading apparatus, as shown primarily in FIGs. 3, 6, 8 including: a carrier (transferring mechanism) 2 for transferring a disc-shaped recording medium 12 between a first position (FIG. 6) to insert/remove the disc-shaped recording medium and a second position (FIG. 8) top perform a reproducing and/or recording process; a holding device (disc holding member) 15, 20 installed on the carrier for holding an outer circumference of the disc-shaped recording medium; wherein the holding device includes a fixing portion 15 fixed to the carrier and tongue pieces 20,

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22 with elastic properties extending from the fixing portion and being in contact with a front edge of the disc-shaped recording medium with respect to an insertion direction, by an actuating force (see FIG. 3 and col. 4, lines 53-67); wherein the tongue pieces are close to the recording medium and contact the outer circumference thereof (as per claim 2); a disc detecting switch (one of 35, 37, 38) installed opposite to the tongue pieces for detecting a loading of the recording medium (see col. 5, line 54 to col. 6, line 1)(as per claims 3 & 4).

With respect to claim 5, further elements are as follows: a turntable 5; a base 100 which has the turntable mounted thereon (see col. 4, lines 14-23 and FIG. 2); a driving mechanism (including motor 24-see col. 5, lines 38-41) for loading the medium on the turntable; a holding member driving device 3, which engages with the holding member and allows subsequent detachment of the medium from the holding member (via a magnet-not shown) such that the medium is loaded onto the turntable (see col. 6, lines 37-45).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including US Patents to Furukawa et al (6,134,206), Wada et al (6,504,808) and Horie (6,314,073).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-F 8am-5:30pm (FF off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

A handwritten signature in black ink, appearing to read "B. E. Miller", is positioned above the printed name and title.

Brian E. Miller
Primary Examiner
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bem
May 30, 2003